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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,390	11/14/2001	Ronald F. Brosnihan	0830.063	4941

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EXAMINER

LAWRENCE JR, FRANK M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,390

Applicant(s)

BROSNIHAN ET AL.

Examiner

Duane S. Smith

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-28 is/are allowed.
- 6) ☒ Claim(s) 1,7-13 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by either Estvanko(US Patent No. 6,058,852) or Locker(US Patent No. 5,676,065).

Estvanko teaches a skid(12) said skid comprising a platform(14,16,18,20) and a support(26,28,30) attached to said platform and attachable to a plurality of modules for monitoring the hydrogen-cooled generator. The phrase “and attachable to a plurality of modules” has been interpreted as intended usage of the support. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Locker teaches a skid(60) said skid comprising a platform(61) and a support(62) attached to said platform and attachable to a plurality of modules for monitoring the hydrogen-cooled generator. The phrase “and attachable to a plurality of modules” has been interpreted as intended usage of the support. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed

Art Unit: 1724

invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Claims 7-13 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gonzalez et al (Us Patent No. 4,698,756),.3

Gonzalez et al teach a module (Fig. 6A) connectable to a modular system for monitoring a hydrogen-cooled generator, said module comprising a processor (106) for generating data associated with performance of the hydrogen-cooled generator; and at least one of a display (108) for displaying said data and a communications link (104) for transferring said data to a remote location. With regards to claims 8-10 such links are shown but are not labeled in Fig. 6B. Note data is generated from temperature sensors (RTD) to monitor heat overload of the generator cooling means as in instant claims 11-13. Gonzalez additionally disclose the methods steps as in instant claims 29-31 (col. 4 line 49-col. 5 line 55).

Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-28 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance: None of the prior art of record teach nor disclose the claimed features of a skid having a platform,

Art Unit: 1724

support, and a plurality of modules for monitoring a hydrogen cooled generator wherein at least one of the modules is a hydrogen purity, overheat, gas dryer, gas manifold, gas/generator monitoring module as in instant claims 2-6 and 14-28 in combination with the features of the independent claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grobel, Carson et al, Kudlacik, Holden, Hargrove et al, Foley Jr et al, Krutzfeldt et al, Rehm et al, Hickam, Fort et al, Grobel et al '880, Adelman et al 709, Adelman et al 062, Klaar, Cuny, Vandamme, Snuttjer et al, Barton et al, Butler III, Beckwith '755, Beckwith '754 each disclose similar apparatus and methods. Emshoff et al and Twerdochlib disclose similar modules for monitoring a hydrogen cooled generator.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duane S. Smith whose telephone number is 571-272-1166. The examiner can normally be reached on 8:30-6:00 M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duane S. Smith
Primary Examiner
Art Unit 1724

D-AS
7-20-04

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